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Hon. Madeline Cox Arleo
US District Court
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

April 25, 2025

Re: *JM v Noem*, Case No. 2:25-cv-02896-MCA-SDA

Dear Judge Cox Arleo,

I am counsel pro hac vice for Plaintiff in the above matter, which arises from the termination of Plaintiff's F-1 student status, including his OPT employment authorization, by Defendants, through the termination of her "SEVIS" records. The Court earlier granted Plaintiff's motion seeking a TRO enjoining such termination and restoring the status quo *ante* while and a motion for a preliminary injunction is pending (ECF 6) and set a briefing schedule and hearing date of May 7 for the preliminary injunction.

This morning I was notified that Defendants have reinstated Plaintiff's SEVIS record, F-1 status and OPT employment authorization. I was also notified that Defendants have taken a new position with regard to SEVIS terminations, as follows:

ICE is developing a policy that will provide a framework for SEVIS record terminations. Until such a policy is issued, the SEVIS records for plaintiffs in this case (and other similarly situated plaintiffs) will remain Active or shall be re-activated if not currently active and ICE will not modify the record solely based on the NCIC finding that resulted in the recent SEVIS record termination. ICE still maintains the authority to terminate a SEVIS record for other reasons, such as if a student fails to maintain his or her nonimmigrant status after the record is reactivated or engages in other unlawful activity that would render him or her removable from the United States under the Immigration and Nationality Act.

Accordingly, Plaintiff hereby withdraws, without prejudice, his motion for a preliminary injunction, and requests that the briefing schedule and hearing date be vacated.

Sincerely yours,

A handwritten signature in black ink, appearing to read "P. O'Dwyer", with a horizontal line extending from the end of the signature.

Paul O'Dwyer

cc. AUSA David Inkeles, via ECF